

THE SENATE  
STATE OF NEW YORK



**SENATOR**  
**PAMELA A. HELMING**  
**54TH DISTRICT**

**CHAIR OF THE  
MINORITY CONFERENCE**

**RANKING MINORITY MEMBER**

HOUSING, CONSTRUCTION AND  
COMMUNITY DEVELOPMENT

INSURANCE

LEGISLATIVE COMMISSION ON  
RURAL RESOURCES

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RULES

**MEMBER**

LEGISLATIVE WOMEN'S CAUCUS

October 20, 2023

Superintendent Adrienne A. Harris  
NYS Department of Financial Services  
1 State Street  
New York, NY 10004-1511

Re: New 11 NYCRR 456 (Insurance Regulation 226)

Dear Superintendent Harris,

As Ranking Member of the Senate Insurance Committee, I write to express my concerns and seek clarification on the proposed regulations being considered by DFS with regard to the professional dispensing fee of \$10.18 payable by pharmacy benefit managers for prescriptions filled in New York State. Specifically, this is Section 456.7 of the proposed regulations.

My constituents have reached out to me to share their concerns about this fee, specifically, that it may raise the price they pay for their prescription medicine. This is a concern I share as their State Senator. They are overburdened by the high cost of living in New York State and navigating a seemingly unending affordability crisis. Gas prices remain high. Grocery bills are high. Utility costs are increasing.

New Yorkers already pay some of the highest health insurance premiums in the country. While I understand this proposed dispensing fee would be paid by pharmacy benefit managers, the legitimate concern is that inevitably, these costs will be passed on to our seniors, families and individuals who need and rely on prescription medication in their daily lives.

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It is my understanding you have indicated these proposed regulations, in whole, would help remedy unfair practices that have resulted in higher prescription drug prices. Certainly, we agree this is an issue that warrants our continued and serious attention.

Respectfully, as your office reviews public comments on these regulations, I am seeking clarification as to the benefits consumers would see from this change, and whether they can expect their prescription costs to increase.

Further, while I understand these regulations relate to private health insurance plans in New York State, I am seeking clarification on whether there could be an impact to Medicaid or Medicare recipients who may carry supplemental insurance.

Protecting consumers and our most vulnerable citizens must be a priority. Thank you for considering my questions and concerns as DFS reviews these regulations. I look forward to hearing from you.

Sincerely,



Pamela A. Helming  
Senator, 54th District  
Ranking Member, Senate Insurance Committee

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